

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: March 15, 2006/Marathon
Bulk Item: Yes ☐ No ☒

Division: BOCC
Department: DISTRICT FIVE

Staff Contact Person: Donna Hanson

AGENDA ITEM WORDING: Approval to direct staff to negotiate an agreement with Islander Village, LLC to construct an 89-unit workforce housing project on Stock Island. Islander Village, LLC agrees to sell property to the county for 65% of appraised value (\$2,024,750) for the right to construct the 89 units.

ITEM BACKGROUND: To acquire property owned by private owners, Monroe County will purchase said property for 65% or less of appraised value. The county will then lease property back to the seller to construct 89 units of moderate workforce housing to be sold to qualified buyers under the county's workforce housing requirements. Islander Village, LLC must construct said housing within two years of signing the agreement.

PREVIOUS RELEVANT BOCC ACTION: At the January 18, 2006 BOCC meeting, authority to negotiate was given to county staff for this item.

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

TOTAL COST: \$2,024,750 **BUDGETED** Yes ☐ No ☒

COST TO COUNTY: \$2,024,750 **SOURCE OF FUNDS:** _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty ☒ OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL: Murray E. Nelson
MAYOR PRO TEM MURRAY E. NELSON

DOCUMENTATION: Included ☒ Not Required _____

DISPOSITION: _____ **AGENDA ITEM #** _____

AFFORDABLE HOUSING COST SHEET

<u>PROJECT</u>	<u>NUMBER OF UNITS</u>	<u>COST TO COUNTY PER UNIT</u>	<u># OF AFFORDABLE CREDITS</u>	<u># OF TRANSFERABLE ROGOS</u>
STOCK ISLAND DRIVE-IN Islander Village, L.L.C.	89	$\$3,115,000 \times 65\% = \$2,024,750$ $\underline{2,024,750}$ 89	89	0
STOCK ISLAND 40 UNITS Park Village, L.L.C.	40	$\$2,600,000 \times 65\% = \$1,690,000$ $\underline{1,690,000 \times 65\% = 42,250}$ 40	40	0
SEA GRAPE APARTMENTS Lloyd Boggio	84	$\$2,250,000 \times 65\% = \$1,462,500$ $\underline{1,462,500 \times 65\% = 17,410}$ 84	84	0
BURTON DRIVE BIG COPPITT CUDJOE VELLANTI-COPPITT COUNTY	70	$\$2,987,000 \times 100\% = \$2,987,000$ $\underline{2,987,000}$ 70	70	0
OVERSEAS REDEVELOPMENT CO., L.L.C.	49	$\$2,500,000 \times 100\% = \$2,500,000$ $\underline{2,500,000}$ 49	18	32

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARYMeeting Date: January 18, 2006 - KWDivision: County AttorneyBulk Item Yes X No Department: County AttorneyStaff Contact Person Jerry Sanders

AGENDA ITEM WORDING:

Approval of Request for Proposals for the purchase of property to be developed for affordable and workforce housing and future development of same. Approval to advertise for same.

ITEM BACKGROUND:

The Board of County Commissioners of Monroe County, Florida, has determined that a need exists within Monroe County for the provision of affordable housing to people of moderate, middle or lesser income. The County desires to have a number of methods in place to increase the stock of affordable workforce housing. One method is to provide for the purchase and development or redevelopment of property dedicated to affordable or workforce housing.

PREVIOUS RELEVANT BOCC ACTION:

Consideration of draft ordinance concerning same was continued from the December 21, 2005 BOCC meeting.

CONTRACT/AGREEMENT CHANGES:


N/A

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST: TBDBUDGETED: Yes X No COST TO COUNTY: TBDSOURCE OF FUNDS: Infrastructure Sales Tax Revenue
("304 Fund") and Other Available Funds and SourcesREVENUE PRODUCING: N/A Yes No AMOUNT PER MONTH Year: TBDAPPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


01/13/06
JOHN R. COLLINS, COUNTY ATTORNEYDOCUMENTATION: Included X Not Required DISPOSITION: AGENDA ITEM #

MONROE COUNTY, FLORIDA
REQUEST FOR PROPOSALS
FOR
THE PURCHASE OF PROPERTY TO BE DEVELOPED
FOR AFFORDABLE AND WORKFORCE HOUSING
AND ITS FUTURE DEVELOPMENT

BACKGROUND INFORMATION

Monroe County is a non-chartered county established under the Constitution and the laws of the State of Florida. The Florida Keys area, including unincorporated Monroe County has been designated an Area of Critical State Concern (ACSC) by the Legislature, Chapter 380, Florida Statutes containing "Principles for Guiding Development" and requiring an effective land use system by State and local governments. The Governor and Cabinet, who act as the Florida Administrative Commission, are empowered by Chapter 380, Florida Statutes, to adopt, by rule, any enactment, or decision of land development regulations or elements of a local comprehensive plan in unincorporated Monroe County. The Florida Department of Community Affairs (DCA) is the state land planning agency responsible for the general supervision and enforcement of the ACSC program and is authorized to propose changes to local comprehensive plans and land regulations within an ACSC area for consideration and adoption by the Administrative Commission.

The governing body of the County is the Board of County Commissioners of Monroe County and the Clerk of the Board is ex-officio clerk, auditor, recorder and custodian of the funds.

The Board of County Commissioners, constituted as the governing body, has all the powers of a body corporate, including the powers to contract; to sue and be sued; to acquire, purchase, hold, lease and convey real estate and personal property; to borrow money and to generally exercise the powers of a public authority organized and existing for the purpose of providing community services to citizens within its territorial boundaries. In order to carry out its function, the County is empowered to levy taxes to pay the cost of operations.

The Department of Community Affairs, the Florida Administrative Commission and the Board of County Commissioners of Monroe County, Florida, have determined that a need exists within Monroe County for the provision of affordable housing to people of moderate, middle or lesser income ("affordable housing" or "workforce housing"). The County desires to have a number of methods in place to increase the stock of affordable and workforce housing. One method is to provide for the purchase and development or redevelopment of property dedicated to affordable or workforce housing.

The County is considering a purchase and development program in which it may purchase from any willing landowner property located in the County and deemed desirable for the future development of workforce housing at a price of not more than 65% of the appraised value of the property and, in turn, enter into a long-term arrangement for the development of the property for use as affordable housing.

**MONROE COUNTY, FLORIDA
REQUEST FOR PROPOSALS
FOR
THE PURCHASE OF PROPERTY TO BE DEVELOPED
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GENERAL INFORMATION AND PROPOSALS REQUESTED

Monroe County, Florida requests proposals for the following:

1. The sale to Monroe County, by any willing landowner of real property located in the County subject to the conditions stated below.
2. The property must be deemed by Monroe County to be desirable for the future development of affordable or workforce housing. This determination is solely within the discretion of the County through its properly designated agents.
3. The purchase price of the property must not exceed 65% of the appraised value of the real property.
4. The determination of whether any appraisal submitted by a seller is deemed acceptable is solely within the discretion of the County.
5. The County may require the seller to provide the appraisal.
6. The County may determine that it will obtain an independent appraisal at its sole expense.
7. As a condition of such sale, the County, in its sole discretion, may enter into an Agreement with the selling landowner, or another entity selected by such landowner and acceptable to the County, for the development by such landowner for affordable or workforce housing to be located on the property.
8. Any property developed as described above pursuant to an agreement with the County shall be owned by the County but may be leased, at the County's sole discretion, to a private entity for utilization as rental housing or leased or subleased to persons as single family housing.
9. In addition to any agreement which the County may enter into as described above for the development of affordable or workforce housing the County shall develop binding procedures to implement and enforce its affordable and workforce housing policies including:
 - a. The criteria by which projects will be accepted for the purchase and development program
 - b. Monitoring of income eligibility and implementation of purchase price or lease restrictions for units at the property
 - c. Timelines for when the lease of acquired property would commence
 - d. Restrictions on the ability of a purchaser of a leasehold interest in such property to sell their interest
 - e. The implementation of administration fees for the ongoing implementation and monitoring of the project

- f. Such other provisions as will further the provision of affordable and workforce housing in the County
 - g. For the purposes of this program "affordable housing" shall mean housing available to those persons and families with incomes equal to or less than the percentage of the median income of the County as defined in the Monroe County Code.
 - h. For the purposes of this program, "workforce housing" shall mean housing available to those persons and families with incomes equal to or less than the percentage of the median income of the County as defined in the Monroe County Code.
10. In order to implement the above-described program, additional conditions and agreements may be required of seller or participant as modified or proposed by the Monroe County Attorney's Office.
11. During the period prior to April 3, 2006, the County intends to adopt by ordinance a Purchase and Development Housing Program which will be applicable to all submissions received by the County pursuant to this Request for Proposals.

REQUESTED PROPOSAL DATE

All proposals are required to be received no later than 3:00 p.m., April 3, 2006. A formal opening of sealed proposals will be held at that time. Interested proposers are welcome to attend.

SUBMISSION OF PROPOSALS

Sealed Proposals should be submitted with two (2) signed originals and three (3) complete and signed copies and clearly marked on the outside of the sealed envelope.

THE PURCHASE OF PROPERTY TO BE DEVELOPED FOR AFFORDABLE AND WORKFORCE HOUSING AND ITS FUTURE DEVELOPMENT

Hand delivered Proposals may request a receipt. Proposals received after the deadline will be returned unopened.

PROPOSAL RETURN ADDRESS

Proposals should be returned to:

Monroe County Board of County Commissioners
Office of Director of Purchasing
1100 Simonton Street
Suite 1-213
Key West, Florida 33040
Phone: (305) 292-4466
Fax: (305) 292-4515

VALID DATE OF PROPOSALS

Proposals are requested to remain valid until July 1, 2006 to provide additional time for clarification in the event that an extension of the current program is undertaken. Proposals submitted prior to April 3, 2006 may be withdrawn between March 20 and April 3, 2006 if the Proposer determines that the Purchase and Development Housing Ordinance adopted by the County make performance by the Proposer under the Request for Proposals impractical.

RIGHT TO REJECT PROPOSALS

The Board reserves the right to reject any or all proposals, to waive irregularities and informalities in any or all proposals, and to re-advertise for proposals.

The Board also reserves the right to separately accept or reject any item and/or items of a proposal and to award and/or negotiate a contract in the best interest of the County.

ADHERENCE TO INFORMATION AND PROPOSAL

Information presented in this Request for Proposal and all statements contained in the written proposals received are intended to be relied upon by Monroe County, Florida.

In addition, if an addendum to this request is issued, the Proposer must acknowledge receipt of such addendum by completing and returning with their proposals the acknowledgment forms that will accompany the addendum.

COMPLETION OF REQUIRED FORMS

Proposers must complete the required *"Drug Free Workplace"*, *"Non Collusion"* and *"Lobbying and Conflict of Interest"* forms. In addition, all proposers are required to read and adhere to the attached *"Public Entity Crime"* form.

REQUIRED FORMS

DRUG-FREE WORKPLACE FORM

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that:

(Name of Business)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 (Florida Statutes) or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, or any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Bidder's Signature

Date

OMB - MCP#5

**LOBBYING AND CONFLICT OF INTEREST CLAUSE
SWORN STATEMENT UNDER ORDINANCE NO. 010-1990
MONROE COUNTY, FLORIDA**

ETHICS CLAUSE

_____ warrants that he/it has not employed, retained or otherwise had act on his/its behalf any former County officer or employee in violation of Section 2 of Ordinance No. 10-1990 or any County officer or employee in violation of Section 3 of Ordinance No. 10-1990. For breach or violation of this provision the County may, in its discretion, terminate this contract without liability and may also, in its discretion, deduct from the contract or purchase price, or otherwise recover, the full amount of any fee, commission, percentage, gift, or consideration paid to the former County officer or employee

(signature)

Date: _____

STATE OF _____

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority,

_____ who, after first being sworn by me, affixed his/her signature (name of individual signing) in the space provided above on this _____ day of _____, 20_____.

NOTARY PUBLIC

My commission expires _____

OMB - MCP FORM #4

PUBLIC ENTITY CRIME STATEMENT

"A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list."

NON-COLLUSION AFFIDAVIT

I, _____ of the city
of _____ according to law on my oath, and under
penalty of perjury, depose and say that;

1) I am _____, the bidder making the
Proposal for the project described as follows:

2) The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

3) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to bid opening, directly or indirectly, to any other bidder or to any competitor; and

4) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit, or not to submit, a bid for the purpose of restricting competition;

5) The statements contained in this affidavit are true and correct, and made with full knowledge that Monroe County relies upon the truth of the statements contained in this affidavit in awarding contracts for said project.

STATE OF _____
(Signature of Bidder)

COUNTY OF _____
DATE _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority,

_____ who, after first being sworn by me, (name of individual signing) affixed his/her signature in the space provided above on this

_____ day of _____, 2003.

NOTARY PUBLIC

My commission expires:

OMB - MCP FORM #1